

MAILED TO COUNSEL

CAL STUART
 Din No.: 07 R 3136
 MOUNT MCGREGOR CORRECTIONAL FAC.
 1000 MOUNT MCGREGOR ROAD, BOX 2071
 WILTON, NEW YORK 12831

May 8, 2008

The Honorable Loretta Preska
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

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 DOCUMENT
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MAY 20 2008
 LORETTA A. PRESKA
 U.S. DISTRICT JUDGE
 S. D. N. Y.

Re: Stuart v. American Insulation, et als
 08 CV. 3923

Dear Judge Preska:

On May 6, 2008 I received from the court an Order of Dismissal with respect to the Asbestos-related action I filed. The order cites the fact that I did not submit an Authorization Form to deduct the required filing fee from my inmate account at the Mount McGregor Correctional Facility. This form was purportedly mailed to me on January 7, 2008.

Unfortunately, exactly on that date I was in the prison infirm-ary having contracted a dealy infection known as "Ludwig's Angina". (Attached is documentary proof of my hospitalization.) On January 8, 2008, I was transported to Albany Medical Center where I remain-
 ed in intensive care until January 23, 2008. I was then hospital-
 ized in the Mount McGregor Infirm-ary until February 23, 2008. I
 did not receive any mail until I was discharged from the hospital
 in early March. I do not ever recal receiving this form from the
 Clerk's office. Additionally, I wrote the pro se office for assis-
 tance because I had a statutory deadline. Many of my current med-
 ical conditiond surround my asbestosis/pulmonary fibrosis.

Due to my condition I have gone on many outside medical trips.
 Now because of my illness and the extenuating circumstances of not
 receiving a form, the court, sua sponte, dismisses the case.

Due to these circumstances, could you kindly allow me time to
 complete this Authorization so that I can properly pursue this
 important claim.

Thanking you in advance for your kind cooperation and under-
 standing.

Upon Mr. Stuart's submission of the Authorization Form within 30 days of the date hereof, the action shall be reinstated.

Sincerely,
 Cal Stuart
 CS:ms
 Enclosures

SO ORDERED

Loretta A. Preska
 LORETTA A. PRESKA
 UNITED STATES DISTRICT JUDGE

May 20, 2008